

## REMARKS

### **Status of Claims:**

Claims 4, 6-7, 10-11, 17 and 21-22 have been cancelled. Thus, claims 1-3, 5, 8, 9, 12-16, 18-20 and 23-26 remain for examination.

### **Drawing Corrections:**

The Examiner has noted a spelling error within the description of block 811 in Figure 1. By way of the instant amendment, a replacement sheet is being filed herewith which corrects the spelling error. No new matter has been added.

Applicant has also noted an error in Fig. 4 in the drawings. The identification of the "STORAGE CELL AMOUNT" and the "MAXIMUM CELL AMOUNT" are incorrectly identified in the figure and have been amended to correct their identification to be the same as that shown in Fig. 8. In other words, Fig. 8 is correct, whereas Fig. 4, as originally filed is incorrect. Fig. 4 has been amended to conform to Fig. 8. An appropriate replacement sheet is submitted herewith.

### **Objections to the Written Description:**

The Examiner has objected to the written description, and in particular to the acronym "ERR" as appears on page 24.

Applicant points out that the abbreviation utilized on page 24, as well as on page 20, is in error and the correct abbreviation should be "WRR" (Weight Round Robin ) as defined and utilized throughout the specification. Applicant has corrected this error as well as additional errors noted in reviewing the specification.

### **Claim Objections**

The Examiner has objected to claim 15 pointing out a typographical error in this claim. Claim 15 has been amended to remove the objection.

**Rejection Under Section 112, First Paragraph**

Claims 6, 8, 11, 21 and 23 stand rejected under 35 USC 112, first paragraph as failing to comply with the enablement requirement. The Examiner has questioned how to rest a weight representing the priority mode of the buffer when the capacity of the buffer exceeding the first threshold reaches a second threshold. Claim 6, now incorporated into the last portion of claim 5, has been amended to recite that when the capacity fo the buffer exceeding the first threshold reaches a second threshold, lower than the first threshold, a first resetting unit resets a weight representing the priority mode of the buffer. The language regarding the third threshold as recited in amended claim 8 has been amended to clarify the recitation therein. Claim 8 now recites that when the capacity of a buffer reaches a third threshold value, being less than the second threshold, a second controller sets the priority mode of the buffer to a weight lower than that of the first controller. These claims recite the “stepwise” changes to the weighted priority values WRR (Weight Round Robin) that is explained, for example, in applicant’s specification as originally filed on page 24 beginning at line 13. The amendments made to claims 21 and 23 are similar to those discussed above with regard to claims 6 and 8. It is submitted that the recitation of these claims is clarified to recite the stepwise threshold weight adjustments as discussed in the specification and is fully enabled thereby. Thus, applicant’s claims are deemed to fully comply with the provisions of the first paragraph of 35 USC 112.

**Rejection Under 35 USC 112, Second Paragraph**

The Examiner has enumerated various portions of the claims which are deemed to lack antecedent basis or are deemed to be unclear as set forth in paragraph 7 of the outstanding Office Action. Applicant has amended the claims to remove each and every ground of objection. In some instances, amendments to the independent claims have now supplied the proper antecedent basis for recitations in the dependent claims. In other instances, the dependency of the dependent claim has been changed in order to refer to the appropriate claim which supplies the proper antecedent basis. Applicant has further made additional changes in order to improve clarify of the claims.

It is submitted that all of applicant's claims fully comply with the provisions of the second paragraph of 35 USC 112.

**Prior Art Rejection**

Claims 1, 5, 13-15, 20, 27 and 28 stand rejected under 35 USC 102 as unpatentable over Lu (6,480,911). Further, claims 2 and 16 stand rejected under 35 USC 103 as unpatentable over Lu in view of Hluchyj (5,231,633).

Applicant has now studied the prior art references and has noted that the prior art rejections have not been applied to claims 4, 6, 7, 8, 10-12, 17, 19 and 21-26. Thus, applicant has attempted to place the application in condition for allowance by incorporating the limitations of some of these dependent claims into the independent claims from which they depend. For example, the recitations of dependent claim 4 have now been added to amended claim 1. Claim 4 has been canceled. The recitations of dependent claim 6 have now been inserted into independent claim 5, and claim 6 has been canceled. Further, claim 12 has essentially been placed in independent form by incorporating therein the limitations of original claim 5. The limitations of dependent claim 17 have now been added to claim 15, and claim 17 has been canceled. Further, claim 19 has been placed in independent form by incorporating therein the limitations of original claim 15. Claim 20 has been amended to incorporate therein the limitations of dependent claim 21, and claim 21 has been canceled. Finally, claim 24 has been placed in independent form by incorporating therein the limitations of original claim 20. It is submitted that all of applicant's claims are patentable over the prior art.

**Conclusions:**


Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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By 

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